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An Act to change the tenure of the Indian Lands in the Township of Durham.

**W**HEREAS an extent of eight thousand four hundred and ninety Preamble.  
 acres of land, in the Township of Durham in Lower Canada, was  
 granted, in the year one thousand eight hundred and five, to divers Indians,  
 for them and their legal successors, under and by virtue of Letters Patent  
 5 issued under the hand and seal of Sir Robert Shore Milnes, at that time  
 Lieutenant Governor, on the condition that they should settle thereon and  
 be incapable of selling, alienating, or even leasing the said Lands; And  
 whereas the said Indians, or their legal successors or representatives, have  
 in certain cases sold, leased or alienated all their rights in respect of such  
 10 lands, for fixed sums of ground rents, and have all abandoned the said  
 lands after having so conveyed them; And whereas the parties to whom  
 such lands were so conveyed, have cleared and improved the same, erected  
 buildings thereon and made agricultural settlements thereof, of great value,  
 and the doubts which have arisen respecting the legality of such transactions  
 15 are a great obstacle to the further progress of the said settlements, and it  
 is desirable, both in the interest of the Indians who do not reside any  
 more on the said lands, and in that of the public of the said locality, that  
 the said transactions should be rendered legal, in order to secure a just  
 compensation to the former, and incontestable titles to the parties now in  
 20 possession of the said lands: And whereas the Act passed in the eighteenth  
 year of Her Majesty's Reign, and chaptered one hundred and sixty-seven,  
 is insufficient for the object intended; therefore Her Majesty, by and  
 with the advice and consent of the Legislative Council and Assembly of  
 Canada, enacts as follows:

25 I. The Act intituled, *An Act to alter the Tenure of the Indian Lands in the Township of Durham*, is hereby repealed. 18 V. c. 187, repealed.

II. All conveyances, sales, promises of sale or emphyteotic leases in  
 respect of the said lands by the said Indians, their successors or legal repre-  
 sentatives, shall hereafter be considered as having been made by persons  
 30 legally qualified to lease, alienate, sell, cede and convey their property,  
 notwithstanding any thing to the contrary contained in the Letters Patent  
 of such lands, provided always, that an annual ground rent of not less  
 than ten dollars for each lot of two hundred acres shall have been stipulated  
 in favor of the Indian to whom any such lot of land was originally granted,  
 35 or of his heirs or legal representatives. Emphyteotic leases, &c., by Indians declared legal. Proviso.

III. Any purchaser of any lot or part of a lot of the Indian Lands in the  
 Township of Durham, now in possession of the same, may, if he thinks fit,  
 redeem the rent attached to such land or lot of land by any instrument  
 within the provisions of the preceding section, and payable to the Indians  
 40 or their legal representatives, by paying the capital thereof at the rate of  
 six per cent., to the Superintendent General of Indian Affairs, who is  
 hereby authorized to receive every such deposit and give a receipt therefor,  
 according to Schedule A of this Act. Purchasers in possession of lots, may redeem the rent charged thereon, and how.

Receipt for redemption money to be equivalent to a Patent.

IV. Every such receipt, after the enregistration thereof in the Registry Office of the County of Drummond, shall be equivalent to a title under Letters Patent of the Government, and shall discharge every such lot or part of a lot designated in such receipt, from all rents or other charges which may have theretofore been payable on the same in favor of the Indian or Indians to whom such lands were granted by the Government. 5

Interest of redemption money to be paid to the Indians

V. The said Superintendent General of Indian Affairs shall keep an account of all sums deposited in his hands, and shall pay the interest thereon annually to the Indians, their legal representatives or assignes according to the proportion to which they are entitled in respect of such property. 10

Provision where the rent charged on any such land has been sold by the Indians

VI. In any case in which one or more of the aforesaid Indians shall, prior to the first day of January, one thousand eight hundred and fifty-five, have sold the rent attached to such land, the party who shall have *bona fide* and for a valuable consideration purchased the same, shall be entitled to be reimbursed the sum which he may have paid to such Indian or Indians, as and for the purchase money of such rent, or the sum so paid shall be deducted from the capital which he shall have to pay for the redemption of the said rent. 15 20

Act not to affect claims of parties to the lands, &c

VII. Nothing in this Act contained shall have the effect of determining in any manner the merits of conflicting titles of parties having claims to the said Indian lands in Durham, or of rendering valid contracts made by any parties with any others than the Patentee or Patentees, or his or their heirs or representatives. 25

Public Act.

VIII. This Act shall be deemed a Public Act.

#### SCHEDULE A.

I hereby certify that \_\_\_\_\_, now in possession of \_\_\_\_\_, in the \_\_\_\_\_ range of the Township of Durham (*here give a description of the lot or part of lot occupied by the person to whom the receipt shall have been given: If a whole lot, or the one-half of a lot is in question, it shall be sufficient to describe it by the numbers of the lot and range, but if a smaller part than one half be referred to, the limits and bounds must be set forth*) has, this day, paid to me the sum of \_\_\_\_\_, being the capital of a ground rent attached to said lot (or part of lot) of land, and that the said sum has been paid to me for the purpose of redeeming the said land from all rent, as provided by the Act intitled, *An Act to change the Tenure of the Indian Lands in the Township of Durham*, and to avail him as in law may appertain.

Done in duplicate, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

A. B.,  
Superintendent General of  
Indian Affairs.